



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING

*Williamsburg Rec + Stn  
Gr. Tr. Co.*  
**DEQ**

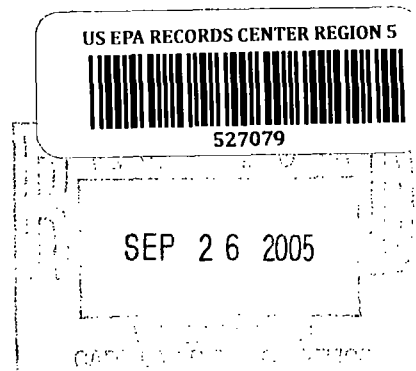
STEVEN E. CHESTER  
DIRECTOR

September 21, 2005

Mr. Joseph E. Quandt  
Zimmerman, Kuhn, Darling, Boyd, Taylor and Quandt, PLC  
P.O. Box 987  
Traverse City, Michigan 49685-0987

Dear Mr. Quandt:

SUBJECT: Williamsburg Receiving and Storage, LLC  
WMD Order No. 31-07-02



Thank you for your letter of August 31, 2005, in response to my letters of July 25, 2005, and August 19, 2005, regarding violations of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); the above referenced Administrative Consent Order (ACO) by Williamsburg Receiving and Storage, LLC (WRS); and the modification of the ACO proposed by WRS to address these issues.

You state that the hose leading from the hydrosieve to the storm water basin exists for the purpose of pumping storm water to the hydrosieve and then into tanks. The Department of Environmental Quality (DEQ) has no basis to dispute this statement. However, there does not appear to be a connection between your suggested purpose of this hose and the observed discharges, and evidence of discharges identified in my July 25, 2005, letter. Discharges from the storm water basin were observed by Whitewater Township employees and confirmed by DEQ staff. In fact, Mr. Chris Hubbell of WRS told DEQ staff during the June 6, 2005, inspection that spray irrigation of the contents from the storm water basin occurred. Any such discharge is in violation of both Part 31 of the NREPA and the ACO.

In regard to nuisance odor issues, it is the DEQ's position that nuisance odors have occurred. This determination is supported by the volume and diversity of complaints received from citizens in the area. As stated in my July 25, 2005, letter, the DEQ received several dozen complaints during the months of June and July from several different individuals. The DEQ's Air Quality Division has evaluated these complaints, as well as individual observations by DEQ staff of on-site conditions, and made the determination that nuisance odor conditions have occurred in violation of the ACO. The DEQ is aware of the report by the Grand Traverse County Sheriff's Department that indicates strong odors were present during its on-site investigation. More recently, the volume of complaints received has escalated again in late August and September, and DEQ staff has personally experienced nuisance odor conditions beyond the property boundary.

You state that you cannot find support for the DEQ's position regarding the storage of wastewater in brine pits. The ACO is very clear that all wastewater must be stored in sealed tanks to prevent odors and lawfully transported and disposed of in accordance with Part 121, Liquid Industrial Wastes, of the NREPA. Covered brine pits are not sealed tanks, nor do the brine pits meet the definition of a tank contained in Part 121 of the NREPA.

Mr. Joseph E. Q uidt  
Page 2  
September 21, 2005

The proposed investigation to determine if adverse impacts have occurred as a result of the discharges identified in the July 25, 2005, letter prepared by Inland Seas Engineering, attached as Exhibit A of your August 31, 2005, letter, is undergoing review by DEQ staff. DEQ staff will contact WRS regarding their comments on the proposed investigation at a later date.

During a meeting on September 14, 2005, Mr. Andy Smits of Inland Seas Engineering presented a tentative proposal for a comprehensive solution to WRS's wastewater management issues. I understand that WRS will be following this proposal with a groundwater discharge permit application for this proposal. I also understand that WRS will be making a separate proposal to address the wastewater currently stored in the wastewater storage lagoon. As such, no further comment will be made on the contents of Mr. Smits' August 30, 2005, letter which is Exhibit B of your August 31, 2005, letter.

Finally, the DEQ is aware of the efforts made by WRS to purchase ultrafiltration equipment. However, this does not excuse the fact that WRS violated the terms of the ACO and Part 31 of the NREPA by discharging wastewater to the locations identified in my July 25, 2005, letter. WRS had nearly three years after entry of the ACO to address its wastewater discharge needs rather than transporting wastewater off-site. DEQ staff was told on several occasions that a permit application was forthcoming, but was never received.

The DEQ expects WRS to expedite actions to address the ongoing nuisance odor conditions. Included in these actions should be the proposal to address the stockpiled wastewater, in particular that stored in the lagoon. A proposal must be submitted forthwith.

If you have any questions of a technical nature, please contact Mr. James Janiczek, Chief, Groundwater Permits Unit, Permits Section, Lansing Operations Division, Water Bureau (WB), at 517-373-7262. If you have any other questions, please call Mr. Rick Ruzs, Enforcement Unit, Field Operations Division, WB, at 517-335-4709, or you may contact me.

Sincerely,



Richard A. Powers, Chief  
Water Bureau  
517-335-4176

cc: Mr. Christopher Hubbell, WRS  
Mr. Brian Smith, WRS  
Mr. Andrew Smits, Inland Seas Engineering  
Mr. Alan F. Hoffman, Department of Attorney General  
Mr. Frank J. Baldwin, DEQ  
Mr. James Janiczek, DEQ  
Mr. Barry Selden, DEQ  
Mr. Michael Stifler, DEQ  
Ms. Janice Heuer, DEQ  
Mr. Rick Ruzs, DEQ  
Mr. Thomas Weston, DEQ